

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERNESTO CARRANZA-GONZALEZ,

Defendant.

8:14-CR-363

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

On November 29, 2023, Ernesto Carranza-Gonzalez filed a *pro se* Motion seeking sentencing relief based on retroactive application of new sentencing guidelines that took effect on November 1, 2023. [Filing 367](#). Given his *pro se* submission, and in accordance with General Order No. 2023-09, the Office of the Federal Public Defender for the District of Nebraska was appointed to represent Carranza-Gonzalez “to determine whether [he] may qualify for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendment of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10” [Filing 367](#)8. Subsequent to his appointment, the Federal Public Defender moved for leave to withdraw because “the Defendant had one criminal history point assessed in the Presentence Investigation Report and therefore was not a zero point offender pursuant to U.S.S.G. § 4C1.1.” [Filing 369 at 1](#). The United States Probation Office also submitted a worksheet in this case which likewise states that “[t]he defendant has one criminal history point, making him ineligible for any reduction under the 821 Amendment.” [Filing 370 at 1](#).

The Court has conducted its own review of Carranza-Gonzalez’s *pro se* Motion, [Filing 367](#), along with other relevant matters in the record. The Court concludes that the Defendant is not

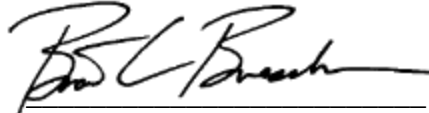
entitled to relief.¹ The Court further concludes that the Federal Public Defender's Motion to Withdraw should be granted for the reasons set forth in his Motion. Accordingly,

IT IS ORDERED:

1. Federal Public Defender David R. Stickman's Motion to Withdraw, [Filing 369](#), is granted; and
2. Ernesto Carranza-Gonzalez's *pro se* Motion to Reduce Sentence, Filing 367, is denied to the extent he seeks a reduction in his sentence.

Dated this 27th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge

¹ The Defendant's Motion also requested that counsel be appointed to "clarify whether [he] is in fact eligible for such a reduction under the amendment." [Filing 367 at 2](#). As noted above, counsel was appointed to assist the Defendant in this matter.